



T H E  
**Caledonian Mercury,**

B E I N G

A short Account of all the most considerable News  
*Foreign and Domestic.*

*Edinburgh, Tuesday July 9, 1723.*

*From the Evening Post, July 4.*

*Since our last arrived one Mail from Holland, and 3 from Flanders.*

*Brussels, July 5.*

**T**HE late Bishop of Rochester arrived here Tuesday last, and set out this Day for the Spaw, intending to drink the Waters of that Place. Yesterday he walked in several Parts of this City, and that drew such a Concourse of People about him, that they almost crushed one another to Death.

*Rome, June 19.* Last Thursday-morning, the Chevalier de St. George and the Princess his Consort, Lord Godfather and Godmother to the Son of the Princess of Albani. The same Day in the Afternoon, they both pay'd a Visit to that Princess.

*Berne, June 30.* The Marquis de Blandford, Grandson of the late Duke of Marlborough, arrived lately at Geneva from Rome.

*Hamburg, July 6.* Letters from Petersburg say, the Emperor of Russia designs to have this Summer an Army of 80000 Men in Persia, to oppose the Rebels in that Country, if they should attempt any Thing. The Commission the Turkish Ambassador, who lately arrived at Moscow, is entrusted with, is still kept very secret: However, some think a Treaty is likely to be set on foot, for dividing the whole Kingdom of Persia between the Porte, his Russian Majesty and Meriweys, and to settle there a new Form of Government both as to Temporal and Spiritual Matters.

*Paris, July 5.* Here's Advice from Cambray, That our Plenipotentiaries declared to those of the Emperor and Great Britain, that the King of Spain approves the Draught of the Act of Investiture for the States of Parma and Placentia, as altered by his Imperial Majesty: Upon which the Imperial Plenipotentiaries dispatched an Expres to Vienna, to acquaint that Court with this Declaration.

*Conti*

*Mrs. Barnes*, she varies, and sometimes the Dog is for me, and sometimes for her.

As for my self, I never asked for, received, or saw this Present, nor know any Thing of it, but from common Fame; nor have I to this Day had any Message or Letter whatsoever concerning it. The End of this Design seems to be, to point me out by the Name of *Jones* and *Illington*, subscribed to the Letter of April 20, by using them again in Relation to this Present.

And perhaps they are not much in the wrong to think, that one intercepted Dog should be of as much Use as ten intercepted Letters. Both Contrivances then must have succeeded, had I not been able to prove, that those Letters were not with my Order or Knowledge; and therefore the use of their Names, in subsequent Letters, is a Continuance of the Fraud, and this obviously runs through the whole of the Correspondence; but wherever the Names of *Jones* and *Illington* are, they are used in applying them to me, because they are the same.

These Points have not only been denied, but disproved with all Manner of Credence and Clearness.

My Council have shewed, that all these suspicious Correspondencies are, to the last Degree, absurd to apply to me, and no one would apply them: That I could not order the Letters of the 20th of April, to which the Names of *Jones*, &c. are subscribed, I think is plain; and then the Evidence falls or depends upon it.

As to the Journeys to and from *Bromely*, where the Prisoner *Kelly* had frequent Access to me, and therefore I might probably dictate these Letters, the Council for the Bill have not opened themselves on that Head; but your Lordships have heard it made out: And because it is material, I shall repeat it.

( Here *Wood's* Examination was read )

By all these Accounts, nothing could have offer'd easier for the Persons themselves to manage here, in getting an Account of my Neighbours, in order to render the Contrivance more plausible.

That Mr. *Kelly* is no Stranger to me, I own; but that he is, in any Degree, intimate or frequently saw me, I deny: And what Evidence is there from them to the contrary? Or, how is this solemn Denial at your Bar contradicted?

The Chairman says, *He carried him twice or thrice to the Deanery 3 or 4 Years ago*; and this *Brown*, the Chairman, he swears, *He carried me once in 3 or 4 Years Time*: I believe he may. The Porter, he says, *That he brought a Letter and some Stockings from Kelly to me*. The Foundation of this Story is true; for Mr. *Kelly* used to furnish me with Stockings and Gloves; not but that the Circumstance of the Porter coming up to my Bed-chamber at that dirty Time of the Year, is very extraordinary: And even this Evidence owns, he was never sent by me to him.

Now on the other Side, there is the Evidence of almost all my Servants; who have, upon Oath, attested, that they do not know either the Name, or the Face of Mr. *Kelly*, which could not possibly be, did he use frequently to resort to me. Such a slight Acquaintance as I had with him, could not be any Temptation to enter into Secrets with him of such a dangerous Consequence as these are, which the Report insinuates to have past between us: However, Suspicion is not now the Business of Proof; they that prove something, may be allowed to suppose more; they that prove nothing, have no Right to indulge their Suspicions and Conjectures, to the Ruin of any Man. Twenty Probabilities, allowed to be such, are not equal to one Matter of Fact well attested; it may strengthen the Fact, but cannot be Evidence themselves, because one Probability may be set against another.

I use this Distinction between *Evidence in Law* and *reasonable Evidence*, because the Council for the Bill has asserted something like it.

I own, I always thought the publick Law of the State the publick Reason of the State, and whatever might be reasonable Evidence: Whatever it is in an other Country,



Country, yet, in this Country, no Evidence can be reasonable, that is not legal. But I ask, what sort of Evidence, either in Reason or Law, is brought against me? How am I proved to consult and correspond to raise an Insurrection against his Majesty, and his Kingdom, and to procure a Foreign Force to invade the same, in Favour of the Pretender?

How am I prov'd, in the 2d Place, to have corresponded with the same Pretender, and with Persons employ'd by him? Is one Article of these Charges made out against me, with any Colour of Reason? Suppositions without Proof, Suppositions disprov'd, and shew'd to be vain and unjust.

If the Proof in these Cases wants Strength, can the Hearsay of *Neynoe* supply the want of Proof, and render it valid, since *Neynoe* pretends, for ought that appears, not to have known any Thing of me; he only heard *Kelly* say so, and Mr. *Kelly* denies it: And there is, I think, no Reason why such a dead Evidence should affect me, nor *Kelly* himself, much less me thro' him. Was *Neynoe* alive, and *Kelly* dead, and incapable of contradicting what *Neynoe* said, I believe, what *Neynoe* said would not be of any Weight. Besides, what *Neynoe*, dead, says, and *Kelly* now alive, denies, ought not to have any Force.

Concerning Hearsay Evidence in general, and concerning the due Regard to it, I humbly desire your Lordships, that a Passage may be read out of Sir *John Fenwick's* Bill of Attainder. (The whole Preamble read.)

My Lords, I humbly desired to have this read, because I thought it would take away a Distinction between *Legal* and *Parliamentary Evidence*, that what was not *Legal*, might be *Parliamentary*. I believe, here is a Condemnation of him by Parliament; therefore, I think, the Condemnation of him must be by *Parliamentary Evidence*. It is recited in this Act, as one of the Inducements that mov'd the King, Lords, and Commons to pass that Act, that Sir *John Fenwick* had contrived and fram'd several Papers, &c. only by Hearsay.

Shall that be accepted in this Parliament for Evidence, which is declar'd the only Motive of Attainting a Man in another? If it was judg'd hard in Sir *John Fenwick's* Case, to charge a Man by Hearsay, can the being thus charg'd be any Proof against me? Sure, the House of Commons in 1696, that brought that in, would not have so thought; nor would those of your Lordships consented here, or else where, to have pass'd it.

As for those that did not consent, I will venture to say, I am exceedingly puzzled to know why they did not oppose Sir *John Fenwick*, but favour'd his Case, and are yet against me. Is the Guilt objected to me, if prov'd, in any Measure like his? Or, is there any Comparison between the Proof against him and me.

As to the Paper and Information given in by *Neynoe*, and printed in the Appendix, it is plain he was drawn in to have sworn backward or forward, to have affirm'd or denied any Thing. He knew a certain Lord of the Council, that gave me Notice of my being taken up some Days before it happened. He knew what Use and Purpose the Protests of your Lordships were chiefly designed for and calculated; and it appears by his Paper that was taken in his Pocket, after his Death, that he had undertaken to give a positive Account, and designed either to ask or receive such a Sum of Money.

That he was the late Earl *Marischal's* Bedfellow for several Months, and had drawn up Heads for Memorials to be delivered to the Regent; but he had kept no Copies of these Heads, or foul Draughts, which would have shewn whether they were given in to promote it, or discover it; in either the Evidence of being then employ'd, would have been of Service; but they have not been able to produce a Line of such Heads or Memorials, yet the Report of the House of Commons, upon the Basis of these Memorials, builds the whole Fabrick. He knew that I went under the Names of *Jones* and *Illington*, and undoubtedly he knew Mr. *Dubois*: If the Scheme of writing that Letter my self had been seen, he would have found out a Reason for the Correspondence, and 500 l. would have made him affirm, that he carried the Letter himself. He knew the Pretender's particular Opinion of me, or of any Body else, that he rely'd on Advices from me: How did he know that? He told him so. Who told him? It is not suppos'd Mr. *Kelly* had

had it from himself, but from Persons of high Estate, and that were near the Pretender.

Let me speak, my Lords, as always, I hope, I shall, with what Modesty becomes Justice, but yet with Freedom to you.

( *This is to be continued.* )

*From the Whitehall Evening Post.*

Paris, July 7. Count Bisse, Nephew of the Cardinal of that Title is dead of the Small Pox. His Eminency the Cardinal Dubois, tho' he is pretty well recovered of his Illness, gave no Audience Yesterday to the Foreign Ministers. The Marquis de Arquin, Nephew of the late Queen of Poland, is dead of the Small Pox. The Czar's Ambassador treated Yesterday all the Foreign Ministers.

*From the Flying Post.*

London, July 2. The Customs of Scotland and England being put under the Management of one Commission pursuant to an Act of Parliament, the same passed the Great Seal last Saturday, and the following Gentlemen are thereby appointed Commissioners, viz.

Sir William Young, Bart.	Sir John Evelyn, Bart.	Bryan Fairfax, Esq;
Sir John Stanley, Bart.	Thomas Maynard, Esq;	Hen. Hall, Esq;
Thomas Walker, Esq;	Sir James Campbell, Bart.	Geo. Drummond, Esq
Sir Charles Peers, Bart.	Humphrey Brent, Esq ;	John Hill, Esq;
Robert Baylie, Esq;	John Campbell, Esq;	

We hear that the Duke of Wharton is preparing to set out for Ireland, to distinguish himself in the Parliament of that Kingdom.

*To the true Briton.*

May it please your Gr—e,

**A**S You are a Writer of Quality, I shall think it my Honour to be numbered hereafter among your admiring Correspondents.

You set out at such a Juncture, and in such a Manner, and such is your Rank, that no Body will so much as pretend you write either for Place, Hire or Pension. This gives you an Advantage far above the meaner Tribe of Mercenary Scriblers, and must certainly gain you the Devotion and Credulity of the Bulk of Readers. I shall not fear be the Times what they will, to compliment your Gr—e on your *Wise* Choice of a *Party*, and your *Courageous* Defence of a *Cause*, which, now the *Bishop* is gone, stands in need of the most powerful Advocats. To write against a Government so firmly established; to plead for a *Party* and *Cause*, which seem to be abandon'd both by God and Man: to declaim against the Best of Men, and to cry up the Worst; to endeavour to convince us with Arguments perfectly *Ducal*, that we labour under a *Deceptio Visus*, and have lost the Sense of Feeling, that we are subject to Tyrants, Oppressors and Impostors; and yet can never see nor feel the Tyranny, nor the Oppression, nor the Imposture, are such glorious Proofs of your Wit, your Judgment, your Disinterestedness, and your Zeal for your Country, as are hardly to be matched in a Writer of your Eminence, much less in any of your Illustrious Family.

I hope the double Push you lately made for the *Rights* and *Privileges* of the *Citizens*, when you abandoned the Ease and Grandeur appendent to your *Patri-cian* Order, and descended from your high Rank to sweat among the Crowd of *Plebeians* and *Mechanicks*, and to stretch your Throat with Leather-apron'd *Sten-tors*, will never be forgot so long as *Gog* and *Magog* stand in the Hall. And pray give me Leave to congratulate your Lordship upon the Success. I am,

My L—d,

With Admiration and Astonishment,

Yours *sine cera*,

West Saxon.



W<sup>1</sup>E's Letter, verbatim, London, July 4th.

**T**HE Holstein Minister residing at the Hague gives out, That he had receiv'd an Account by the last Post from the North, that the Swedes have consented to the Czar's Imperial Title, and granted that of Royal Highness to the Duke of Holstein, who, as the Letters from Petersburg advise, is to resign Part of his Dominions to the Czar, to qualify his Czarish Majesty to become a Prince of the Empire. They add, That the Czar has appointed a Company of blew Guards, to mount the Duke of Holstein's Guard when he goes abroad in publick.

Letters from Sweden relate, that upon the Arrival of a Courier at Ufvichdale, where the King resides at present, his Majesty appointed the Baron of Lichinthead to repair to Hannover, to execute a Commission there.

Nothing certain can yet be heard of the Czar's Fleet; and as to the Commission with which the Turkish Aga at the Russian Court is charg'd, the same continues to be kept very private: Mean Time its discourd with Assurance, That a Partition Treaty is on Foot between the Grand Seignior, the Czar and Meriweys, in order to divide amongst themselves, the whole Kingdom of Persia, and to new model it's Form of Government in Matters Ecclesiastical and Civil.

Yesterday being the last of the Term, The following Persons receiv'd Sentence, viz. Mr. Gaylard, for a Paragraph in a Weekly Paper formerly printed by him, to pay a Fine of 50 L. to suffer a Month's Imprisonment, and to find Security for his good Behaviour for 3 Years. Mr. Redmayne the Printer, to pay a Fine of 300 L. to suffer a Year's Imprisonment, and to give Security for his good Behaviour, for printing the first Part of the Benefits of the Hannover Succession; and Mr. Philp receiv'd the same Sentence, for printing the Second Part of that Pamphlet, and his Son for the same Offence, was fined 100 L. and Security for his good Behaviour for 3 Years.

The same Day Mr. Jeffreys of Brecon, Esq; also the Reverend Mr. Moor, who was Chaplain to the late Bishop of Rochester, and Mr. Wilkins the Bookseller, (who was taken up for a Book call'd *Jus Academicum*) appeared on their Recognizances, and were discharged.

'Tis apprehended, that some extraordinary Trials will come on this Year in London and Middlesex, by the great and uncommon Zeal that has been shewn in the Choice of our Sheriffs, who by their Office have the Power of Imparcelling Juries. Mean-time, 'tis unjust as well as absurd to imagine, that any can be for such Juries as will skreen and bring off the Guilty; or, on the other hand, for those that will condemn the Innocent.

Since the News of the Lord Bolingbrook's having obtained his Pardon, a Notion has been entertained, that certain Persons would withdraw out of the Kingdom, to shelter themselves from the Discoveries that shall or may have been made by his Lordship: But nothing of this does as yet appear, so far as we can see.

The M. of Blanford, Grand Son to the late D. of Marlborough, is shortly expected here from his Travels, the last Letters having left him at Geneva.

Yesterday came up the highest Prize of 10000 L. against No. 43971.

We hear 7 Actions for great Sums have been entred against the 2 Sheriffs, by diverse eminent Persons, on Account of their Rights and Priviledges, being infringed by their late Declaration of Sheriffs for the ensuing Year. Mr. Falkingham who was named by Sir Richard Hopkins to see the Poll Books cast up has made Affidavit before the Court of Aldermen, That the Numbers of the Poll was as followeth, Sir Richard Hopkins 3248. Mr. Feast 3144. Sir John Williams 3188. Mr. Lockwood 3191.

To-day the Court of Aldermen met upon this Affair, and received several more Affidavits thereto, and Proclamation was made by the common Cryer for the Supervisors of the Poll, and the Inspectors of the Poll Books on the other side to attend, but neither they nor the Sheriffs appearing, the Court adjourned till To-morrow.

The Books of the South Sea Company at 99 per Cent. exclusive of the Dividend, we hear will be opened the 16th Instant, and that the half Year's Dividend, will be 3 per Cent.

Mr. Jarvenghame, a Banker, was lately cast in 1200 L. Damages, for assauling Mr. West, a Dyer in St. Martine's Lane.

Had

Haddingtoun, July 5. 1723.

Best Wheat, L: 10. *sh.* 13.      2d Ditto, L. 10.      3d Ditto, L. 9. *sh.* 14.  
 Best Bear, L. 9.      2d Ditto, L. 8. *sh.* 18.      3d Ditto, L. 8. *sh.* 16.  
 Best Pease, L. 9.      2d Ditto, L. 8. *sh.* 18.      3d Ditto, L. 8. *sh.* 14.  
 Best Oats, L. 9.      2d Ditto, L. 8. *sh.* 16.      3d Ditto, L. 8. *sh.* 14.

## A D V E R T I S E M E N T S.

**T**H E S E are to give Notice upon the 23d Day of July Instant, at the House of Robert Brown Vintner, at the Spread Eagle, in the Land-market, is to be exposed to a publick Roup, the large Lodging, with a Flower Garden, and several other large Kitchen Gardens, down to the North Loch, with a Stable and Garduer's House, and other Conveniencies which belonged to, and were possessed by the late Lord Fountainhall, a little below the Bowhead Well, North-side of the Street. The Conditions of the Roup, and Progress of the Rights, are to be seen at John M'Comies Chamber, in Deacon Nimmo's House in Kinloch's Close, South-side of the Street, opposite to Carruber's Land.

†† That there is a Lodging or Dwelling-house, with a Cellar and Garret belonging thereto, lying in the West-bow of Edinburgh, lately posselt by the Laird of Harwood, and an Dwelling House and Cellar, lying in the Back of Bels-wynd, lately posselt by James Allardice Merchant in Edinburgh, and another Dwelling House above the same, presently posselt by John M'intosh Merchant there; all to be exposed to Sale by a publick voluntary Roup, jointly or severally, on the sixteenth Day of July instant, betwix Three and Four Hours in the Afternoon, in the House of Patrick Herdman Vintner in Edinburgh: The Conditions of the Roup, and Progress of the Rights, are to be seen at Mr. William Wilfon Writer to the Signet, his Writing Chamber, situat on the South Side of the Street of Edinburgh, a little below the Cross.

†† That the Lands and Barony of Auchinleck, lying within the Parochin of Monikies, and Sheriffdom of Forfar, paying of yearly free Rent 1060 L, 2 *sh.* 6 d. Scots of Money, 30 Bolls, 3 Pecks Bear; and 57 Bolls, 3 Firloirs, 1 Peck Meal; with the Mansion House, Orchards, Plantings and Inclosures; having a good Free-stone Quarrey, and good Moss and Muir belonging thereto; with a good Pigeon-house, and 46 1 Half-dozen Poultry, and several other Conveniencies not rental'd; all holding Blanch of the Crown: Are to be exposed to Sale by voluntar Roup, upon the 15th Day of August next, in the House of Thomas Gentleman Vintner in Dundee. The Progress of Writs and Rental, with the Conditions of Sale, are to be seen in the Hands of James Johnston Writer in Dundee.

By Order of the ordinary Managers of the Friendly-Society, in Terms of the original and additional Articles: These are intimating to all the Contributors in the said Society, That on Monday the 22d. July instant, at 4 a Clock Afternoon, in Mary's Chapel in Niddry's Wynd Edinburgh, there is a General Meeting to be held of the whole Society, in order to the considering of certain Proposals, tending to the Advantage and Benefit of the whole and Increase of the common Stock, which cannot be agreed to without a general Meeting; and therefor all concerned are desired to be present.

¶¶ These are to advertise, That a Bark about 27 Tun, lying at the Harbour of Dysert, is to be exposed to Sale by a publick Roup, the 16th of July instant; the Inventar of Rigging, &c. is to be seen at George Keddy's House Shore-master in Dysert: As also a Charriot and two Coach Mares, are to be exposed to Sale, at the same Time and Place.

## E D I N B U R G H:

Printed for Mr. WILLIAM ROLLAND, by WILLIAM ADAMS Jun. Whose Printing-house is now remov'd from Carrubber's Close, to Craigforth's Close, first Door of the first Turnpike on the Left Hand: Opposite to the General Post-office, near the Tron-Church; where the Caledonian Mercury is to be had for the fu-